

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1380

Introduced by Senator Rubio

(Principal coauthor: Assembly Member Perea)

February 24, 2012

An act to add Division 13.6 (commencing with Section 21200) to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1380, as amended, Rubio. Environmental quality: ~~environmental impact report: environmental standards.~~ *California Environmental Quality Act: bicycle transportation plan.*

~~(1) The~~

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the lead agencies to make specified findings in an EIR.

Existing law establishes statutes and regulations related to numerous environmental issues.

Existing law authorizes a city, county, or city and county to prepare a bicycle transportation plan that includes specified elements.

~~This bill would require a public agency to disclose in an EIR the environmental standards established by specified statutes and the regulations, plans, policies, and permitting programs promulgated, adopted, or issued pursuant to those statutes that are applicable to the project. Because a lead agency would be required to make this additional disclosure in an EIR, this bill would impose a state-mandated local program~~ *enact the California Public Health and Environmental Standards Act and would require documentation prepared pursuant to CEQA for the bicycle transportation plan to disclose applicable environmental laws, as specified. The bill would prohibit a cause of action from being brought in a judicial proceeding alleging noncompliance with CEQA related to those applicable environmental laws.*

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~.
State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 *SECTION 1. Division 13.6 (commencing with Section 21200)*
2 *is added to the Public Resources Code, to read:*

3
4 *DIVISION 13.6. CALIFORNIA PUBLIC HEALTH AND*
5 *ENVIRONMENTAL STANDARDS ACT*

6
7 21200. *This division shall be known and may be cited as the*
8 *California Public Health and Environmental Standards Act.*

9 21201. *The Legislature finds and declares all of the following:*

10 (a) *A fundamental focus of bicycle transportation planning is*
11 *to improve the physical health and safety of the bicyclist and the*
12 *bicyclist's property.*

13 (b) *Development of bicycle transportation plans has the potential*
14 *for all of the following:*

15 (1) *Increase the number of recreational and commuting*
16 *bicyclists by ensuring a region's bicycle network has the capacity*
17 *to accommodate bicyclists of all ages and skills.*

1 (2) *Improve the health of residents of the state by increasing*
2 *access to bicycle routes and achieving the functional commuting*
3 *needs of employees, students, business persons, and shoppers.*

4 (3) *Promote the creation of bicycle safety and education*
5 *programs.*

6 (4) *Provide affordable transportation alternatives.*

7 (5) *Create more livable neighborhoods.*

8 (c) *According to the American Lung Association:*

9 (1) *Communities designed around mass transit, walking, and*
10 *cycling have been shown to reduce greenhouse gas emissions, air*
11 *pollution, and a range of adverse health outcomes, including traffic*
12 *injuries, cancers, lung and heart diseases, diabetes, and other*
13 *chronic health conditions.*

14 (2) *Residents of walkable and bikeable communities also have*
15 *significantly lower risk of obesity.*

16 (3) *Walkable and bikeable mixed-use planning could help*
17 *California cut over 132,000 tons of air pollution and avoid up to*
18 *140 premature deaths, 105,000 asthma attacks and other*
19 *respiratory symptoms, 16,550 workdays lost, and one billion six*
20 *hundred sixty million dollars (\$1,660,000,000) in health costs in*
21 *2035.*

22 (d) *Notwithstanding the potential substantial costs of litigation*
23 *challenging the adequacy of a bicycle transportation plan, the*
24 *creation of bicycle transportation plans requires limited public*
25 *investment and can improve conditions for bicycling in order to*
26 *help achieve numerous important health and safety goals.*

27 21202. *The Legislature finds and declares all of the following:*
28 *concern.*

29 (a) *The Legislature adopted the California Environmental*
30 *Quality Act (Division 13 (commencing with Section 21000);*
31 *hereafter CEQA) in 1970 in recognition that the maintenance of*
32 *a quality environment for the people of this state is a matter of*
33 *statewide*

34 (b) *Guidelines implementing CEQA have evolved and expanded,*
35 *and currently provide that project impacts be evaluated based on*
36 *84 criteria covering 17 topics:*

37 (1) *Air quality.*

38 (2) *Biological resources including protected species and habitat*
39 *types.*

40 (3) *Cultural resources including archaeological resources.*

- 1 (4) *Geology and soils including seismic and landslide risk.*
- 2 (5) *Greenhouse gas emissions.*
- 3 (6) *Hazards and hazardous materials including toxic chemical*
- 4 *exposures, brownfields or contaminated site issues, and accident*
- 5 *risks.*
- 6 (7) *Hydrology and water quality including flooding and sea*
- 7 *level rise.*
- 8 (8) *Land use planning including consistency with land use plans.*
- 9 (9) *Public services including fire and police protection, schools,*
- 10 *parks, and other public facilities.*
- 11 (10) *Traffic and transportation, including transit, vehicular,*
- 12 *bicycle, and pedestrian transportation, emergency access, and*
- 13 *roadway safety.*
- 14 (11) *Utilities and service systems including wastewater, water*
- 15 *supply, stormwater, landfill, and waste management systems.*
- 16 (12) *Aesthetics.*
- 17 (13) *Agriculture and forestry resources.*
- 18 (14) *Mineral resource availability.*
- 19 (15) *Noise.*
- 20 (16) *Population and housing growth.*
- 21 (17) *Recreational resources.*
- 22 (c) *In the 40 years following the enactment of CEQA, Congress*
- 23 *and the Legislature have each adopted dozens of laws to protect*
- 24 *environmental quality in 14 of the 17 topical areas required to be*
- 25 *independently evaluated under CEQA. The Legislature has enacted*
- 26 *environmental protection laws that are as or more stringent than*
- 27 *federal law, and California environmental laws are often at the*
- 28 *cutting edge of environmental protection nationally and even*
- 29 *globally. These environmental protection laws, all enacted after*
- 30 *1970, include, but are not limited to:*
- 31 (1) *Air quality including air pollution and toxic air*
- 32 *contaminants: the federal Clean Air Act (42 U.S.C. Sec. 7401 et*
- 33 *seq.) and the Acid Precipitation Act (42 U.S.C. Secs. 8901 et seq.),*
- 34 *and California air quality laws including Division 26 (commencing*
- 35 *with Section 39000) of the Health and Safety Code, the Protect*
- 36 *California Air Act of 2003 (Chapter 4.5 (commencing with Section*
- 37 *42500) of Part 4 of Division 26 of the Health and Safety Code),*
- 38 *the Carl Moyer Memorial Air Quality Standards Attainment*
- 39 *Program (Chapter 9 (commencing with Section 44275) of Part 5*
- 40 *of Division 26 of the Health and Safety Code), the California Port*

Community Air Quality Program (Chapter 9.8 (commencing with Section 44299.80) of Part 5 of Division 26 of the Health and Safety Code), the California Clean Schoolbus Program (Chapter 10 (commencing with Section 44299.90) of Part 5 of Division 26 of the Health and Safety Code), the Air Pollution Permit Streamlining Act of 1992 (Article 1.3 (commencing with Section 42320) of Chapter 4 of Part 4 of Division 26 of the Health and Safety Code), the California Air Pollution Control Law, and the Air Toxics “Hot Spot” Information and Assessment Law (Part 6 (commencing with Section 44300) of Part 5 of Division 26 of the Health and Safety Code), the Atmospheric Acidity Protection Act of 1988 (Chapter 6 (commencing with Section 39900) of Part 2 of Division 26 of the Health and Safety Code), the Connelly-Areias-Chandler Rice Straw Burning Reduction Act (Section 41865 of the Health and Safety Code), and the Lewis-Presley Air Quality Management Act (Chapter 5.5 (commencing with Section 40400) of Part 3 of Division 26 of the Health and Safety Code).

(2) Biological resources including protected species and habitat types: the federal Endangered Species Act (16 U.S.C. Sec. 1531 et seq.), the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.), the federal Bald and Golden Eagle Protection Act (BAGPA) (16 U.S.C. Sec. 668), Section 404(b) of the federal Clean Water Act (33 U.S.C. Sec. 1344(b)), the federal Marine Mammal Protection Act (16 U.S.C. Sec. 1361 et seq.), the federal Invasive Species Act/Nonindigenous Aquatic Nuisance Prevention and Control Act (16 U.S.C. Sec. 4701 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), Sections 1602, 3503.5, 3511, 3513, and 4700 of the Fish and Game Code, the Oak Woodlands Conservation Act (Article 3.5 (commencing with Section 1360) of Chapter 3 of Division 2 of the Fish and Game Code), Article 3 (commencing with Section 355) of Chapter 3 of Division 1 of the Fish and Game Code, Division 5 (commencing with Section 5000) of the Fish and Game Code, Division 6 (commencing with Section 5500) of the Fish and Game Code, and subdivision (e) of Section 65302 of the Government Code.

(3) Cultural resources including archaeological resources: Section 106 of the National Historic Preservation Act (16 U.S.C. Sec. 470(f)), the federal American Indian Religious Freedom Act

1 (42 U.S.C. Sec. 1996), Section 7050.5 of the Health and Safety
2 Code, and Section 5097.9.

3 (4) Climate change and greenhouse gas emissions: the federal
4 Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the federal Energy
5 Independence and Security Act (42 U.S.C. Sec. 17001 et seq.), the
6 California Global Warming Solutions Act of 2006 (Division 25.5
7 (commencing with Section 38500) of the Health and Safety Code),
8 Division 26 (commencing with Section 39000) of the Health and
9 Safety Code, the California Alternative and Renewable Fuel,
10 Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007
11 (Chapter 8.9 (commencing with Section 44270) of Part 5 of
12 Division 26 of the Health and Safety Code), the California
13 Energy-Efficient Vehicle Group Purchase Program (Article 1.5
14 (commencing with Section 43810) of Chapter 4 of Part 5 of the
15 Health and Safety Code), Section 43018.5 of the Health and Safety
16 Code, and Chapter 728 of the Statutes of 2008.

17 (5) Hazards and hazardous materials including toxic chemical
18 exposures, brownfields or contaminated site issues, and chemical
19 accident risks: the federal Comprehensive Environmental
20 Response, Compensation and Liability Act (42 U.S.C. Sec. 9601
21 et seq.), the federal Resource Conservation and Recovery Act (42
22 U.S.C. Sec. 6901 et seq.), the federal Emergency Planning and
23 Community Right to Know Act (42 U.S.C. Sec. 11001 et seq.), the
24 federal Pollution Prevention Act (42 U.S.C. Sec. 13101 et seq.),
25 the federal Oil Pollution Act (33 U.S.C. Sec. 2701 et seq.), the
26 federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. Sec.
27 136 et seq.), the federal Toxic Substances Control Act (15 U.S.C.
28 Sec. 2601 et seq.), the federal Asbestos Hazard Emergency
29 Response Act (15 U.S.C. Sec. 2641 et seq.), the federal Lead-Based
30 Paint Exposure Reduction Act (15 U.S.C. Sec. 2681 et seq.), the
31 federal Low-Level Radioactive Waste Policy Act (42 U.S.C. Sec.
32 2121b et seq.), the federal Lead Contamination Control Act (42
33 U.S.C. Sec. 200j-21 et seq.), the Hazardous Waste Control Law
34 (Chapter 6.5 (commencing with Section 25100) of Division 20 of
35 the Health and Safety Code), Chapter 6.7 (commencing with
36 Section 25280) of Division 20 of the Health and Safety Code,
37 Sections 25356.1.5 and 25395.94 of the Health and Safety Code,
38 Chapter 6.95 (commencing with Section 25500) of Division 26 of
39 the Health and Safety Code, the Elder California Pipeline Safety
40 Act (Chapter 5.5 (commencing with Section 51010) of Part 1 of

1 *Division 1 of Title 5 of the Government Code), and the Natural*
2 *Gas Pipeline Safety Act of 2011 (Article 2 (commencing with*
3 *Section 955) of Chapter 4.5 of Part 1 of Division 1 of the Public*
4 *Utilities Code).*

5 (6) *Hydrology and water quality including flooding and sea*
6 *level rise: the federal Water Pollution Control Act (33 U.S.C. Sec.*
7 *1251 et seq.), the federal Contaminated Sediment Assessment and*
8 *Management Act (33 U.S.C. Sec. 1271 et seq.), the federal Safe*
9 *Drinking Water Act (33 U.S.C. Sec. 300f et seq.), Section 1602 of*
10 *the Fish and Game Code, the Integrated Regional Water*
11 *Management Planning Act (Part 2.2 (commencing with Section*
12 *10530) of Division 6 of the Water Code), the Stormwater Resource*
13 *Planning Act (Part 2.3 (commencing with Section 10560) of*
14 *Division 6 of the Water Code), the Porter-Cologne Water Quality*
15 *Control Act (Division 7 (commencing with Section 13000) of the*
16 *Water Code), the Safe Drinking Water and Toxic Enforcement Act*
17 *of 1986 (Chapter 6.6 (commencing with Section 25249.5) of*
18 *Division 20 of the Health and Safety Code), the Urban Water*
19 *Management Planning Act (Part 2.6 (commencing with Section*
20 *10610) of Division 6 of the Water Code), Part 2.10 (commencing*
21 *with Section 10910) of Division 6 of the Water Code, the Water*
22 *Conservation in Landscaping Act (Article 10.8 (commencing with*
23 *Section 65591) of Chapter 3 of Division 1 of Title 7 of the*
24 *Government Code), the Storm Water Enforcement Act of 1998*
25 *(Chapter 5.9 (commencing with Section 13399.25) of Division 7*
26 *of the Water Code), the Water Reclamation Law (Chapter 7*
27 *(commencing with Section 13500) of Division 7 of the Water Code),*
28 *Chapter 7.3 (commencing with Section 13560) of Division 7 of the*
29 *Water Code, and Part 2.75 (commencing with Section 10750) of*
30 *Division 6 of the Water Code.*

31 (7) *Land use planning including consistency with land use plans:*
32 *the federal Coastal Zone Management Act (16 U.S.C. Sec. 1451*
33 *et seq.), the federal Land Policy and Management Act (43 U.S.C.*
34 *Sec. 1701 et seq.), the federal Forest and Rangeland Renewable*
35 *Resources Planning and Research Acts (16 U.S.C. Secs. 1600 to*
36 *1614, incl., and 1641 to 1649, incl.), the federal Forest*
37 *Management Act (16 U.S.C. Secs. 1600 and 1611 to 1614, incl.),*
38 *the Planning and Zoning Law (Title 7 (commencing with Section*
39 *65000) of the Government Code), the Subdivision Map Act*
40 *(Division 2 (commencing with Section 66410) of Title 7 of the*

Government Code), the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), the Cortese-Knox Local Government Reorganization Act of 2001 (Division 3 (commencing with Section 56000) of Part 1 of Division 3 of Title 5 of the Government Code), the California Green Buildings Standards Code (Part 11 of Title 24 of the California Code of Regulations), and the California Building Code (Part 2 of Title 24 of the California Code of Regulations).

(8) Public services including fire and police protection, schools, parks, solid waste, recycling, and other public facilities: Chapter 2 (commencing with Section 17921) of Part 1.5 of Division 13 of the Health and Safety Code, Sections 65996 and 65997 of the Government Code, Section 66477 of the Government Code, Title 7.3 (commencing with Section 66799) of the Government Code, the Used Oil Recycling Act (Article 9 (commencing with Section 3460) of Chapter 1 of Division 3 of the Public Resources Code), the Beverage Container Recycling and Litter Reduction Act (Division 12.1 (commencing with Section 14500), Division 12.3 (commencing with Section 16000), Division 12.4 (commencing with Section 16050), and Division 12.7 (commencing with Section 18000)), the Fiberglass Recycled Content Act of 1991 (Division 12.9 (commencing with Section 19500)), the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000)), the California Fire Code (Part 9 of Title 24 of the California Code of Regulations), and Sections 1270 and 6773 of Title 8 of the California Code of Regulations.

(9) Traffic and transportation including transit, vehicular, bicycle, and pedestrian transportation, emergency access, and roadway safety: the federal Safety, Accountable, Flexible, Efficient Transportation Equity Act (23 U.S.C. Sec. 101 et seq.), Titles 23 and 49 of the United States Code, and Chapter 2.3 (commencing with Section 65070), Chapter 2.5 (commencing with 65080), and Chapter 2.8 (commencing with Section 65088) of Division 1 of Title 7 of Government Code.

(10) Utilities and service systems including wastewater, water supply, stormwater, landfill and waste management systems: Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code, Part 2.55 (commencing with Section 10608) of Division 6 of the Water Code, the Urban Water Management Planning Act (Part 2.6 (commencing with Section 10610) of Division 6 of the

Water Code), and the Water Conservation in Landscaping Act (Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code).

(11) Aesthetics: the federal Highway Beautification Act (23 U.S.C. Sec. 131), Article 2.5 (commencing with Section 260) of Chapter 1 of Division 1 of the Streets and Highways Code, the Outdoor Advertising Act (Chapter 2 (commencing with Section 5200) of Division 3 of the Business and Professions Code, and subdivision (e) of Section 656302 of the Government Code.

(12) Agriculture: the federal Soil and Water Conservation Act (16 U.S.C. Sec. 2001 et seq.) and the Williamson Act (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code); and forestry resources: the Z'Berg-Nejedly Forest Practice Act of 1973 and corresponding regulations (Chapter 8 (commencing with Section 4511) of Part 2 of Division 4) and Chapter 4 (commencing with Section 895), Chapter 4.5 (commencing with Section 1115) and Chapter 10 (commencing with Section 1600) of Division 1.5 of Title 14 of the California Code of Regulations), Protection of Forest, Range and Forage Lands (Part 2 (commencing with Section 4101) of Division 4), and the Wild and Scenic Rivers Act (Chapter 1.4 (commencing with Section 5093.50) of Division 5).

(13) Mineral resources: the federal Surface Mining Control and Reclamation Act (30 U.S.C. Secs. 1201 et seq.) and the California Surface Mining and Reclamation Act of 1975 (Chapter 9 (commencing with Section 2710) of Division 2).

(14) Noise: federal Noise Control Act (43 U.S.C. Sec. 4901 et seq.), the federal Abatement of Aviation Noise (49 U.S.C. Sec. 47501 et seq.), Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code, the California Noise Insulation Standards (Part 2 of Title 24 of the California Code of Regulations), the California Employee Noise Exposure Limits (Article 105 (commencing with Section 5095) of Group 15 of Subchapter 7 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations).

(d) Over the same 40-year period since the enactment of CEQA, the Legislature has adopted environmental protection laws affecting the three topical areas for which the United States Congress has not taken any action to adopt federal environmental law of general application in California.

1 (1) *Geology and soils including seismic and landslide risk, the*
2 *Alquist-Priolo Earthquake Fault Zoning Act (Chapter 7.5*
3 *(commencing with Section 2621) of Division 2), the Seismic*
4 *Hazards Mapping Act (Chapter 7.8 (commencing with Section*
5 *2690) of Division 2), the California Building Code (Title 24 of the*
6 *California Code of Regulations), Chapter 12.2 (commencing*
7 *Section 8875) of Division 1 of Title 2 of the Government Code),*
8 *subdivision (g) of Section 65302 of the Government Code, and the*
9 *Surface Mining and Reclamation Act of 1975 (Chapter 9*
10 *(commencing with Section 2710) of Division 1).*

11 (2) *Population and housing growth: Article 10.6 (commencing*
12 *with Section 65580) of Chapter 3 of Division 1 of Title 7 of the*
13 *Government Code and Chapter 13 (commencing with Section*
14 *75120) of Division 73.*

15 (3) *Recreational resources: Section 66477 of the Government*
16 *Code and the State Public Park Preservation Act (Chapter 2.5*
17 *(commencing with Section 5400) of Division 5).*

18 (e) *Environmental laws and regulations adopted since the 1970*
19 *enactment of the CEQA are designed to ensure California*
20 *continues as a national and international leader in protecting the*
21 *environment, health, safety, and welfare of California and those*
22 *within its borders.*

23 (f) *Environmental laws and regulations identify compliance*
24 *obligations that apply uniformly to similarly situated projects and*
25 *activities, and provide critical environmental protections that go*
26 *well beyond the ad hoc review process created by CEQA.*
27 *Environmental laws and regulations identify compliance*
28 *obligations of general applicability and thereby provide greater*
29 *clarity than the project-by-project ad hoc review process that was*
30 *created for CEQA in 1970.*

31 (g) *When enacting CEQA and subsequent amendments, the*
32 *Legislature declared its intent to ensure that all public agencies*
33 *give major consideration to preventing environmental damage,*
34 *while providing a decent home and satisfying living environment*
35 *for every Californian and to create and maintain conditions under*
36 *which man and nature can exist in productive harmony to fulfill*
37 *the social and economic requirements of present and future*
38 *generations.*

39 (h) *In enacting this division, it is the intent of the Legislature*
40 *to further the purposes of CEQA by integrating environmental*

1 laws and regulations adopted over the last 40 years, while avoiding
2 the sometimes conflicting and often duplicative ad hoc
3 environmental review and mitigation requirements under CEQA
4 regarding the development and adoption of a bicycle transportation
5 plan.

6 (i) In enacting this division, it is also the intent of the Legislature
7 to continue to foster public disclosure and informed public
8 participation of the environmental consequences of bicycle
9 transportation plans.

10 (j) In enacting this division, it is not the intent of the Legislature
11 to preclude any local agency, consistent with the jurisdiction and
12 authority of that agency, to condition approvals of bicycle
13 transportation plans on terms that may require more stringent
14 environmental protections than those required by applicable
15 environmental laws.

16 21203. (a) An environmental document prepared pursuant the
17 California Environmental Quality Act (Division 13 (commencing
18 with Section 21000)) for a bicycle transportation plan developed
19 pursuant to Section 891.2 of the Streets and Highways Code shall
20 disclose all applicable environmental laws.

21 (b) For purposes of this division, “standard” means the
22 appropriate level of protection, preservation, enhancement
23 pollution, reduction, avoidance, or other measure for a topical
24 area requiring analysis and mitigation under the California
25 Environmental Quality Act.

26 (c) For the purposes of this division, “applicable environmental
27 law” is a law related to an environmental topical area listed in
28 subdivision (b) of Section 21202 that is relevant to a bicycle
29 transportation plan and that does all of the following:

30 (1) (A) Includes a policy determination, or directs or authorizes
31 the adoption by an implementing agency of regulations, a plan,
32 or a permit, license, or authorization application and approval
33 process to implement that policy determination, regarding the
34 appropriate standard for a topical area requiring analysis and
35 mitigation under the California Environmental Quality Act.

36 (B) The documentation prepared under the California
37 Environmental Quality Act for a bicycle transportation plan
38 meeting the condition specified in subparagraph (A) shall disclose
39 the applicable compliance requirements of that law, and
40 compliance with the applicable standards for impacts that occur

1 or might occur as a result of approval of the project shall be the
2 exclusive means of evaluating and mitigating environmental
3 impacts under the California Environmental Quality Act regarding
4 the subject of that law, notwithstanding any other provision of law.

5 (2) (A) Identifies analytical methods or approaches, or directs
6 or authorizes the adoption by an implementing agency of
7 regulations, a plan, or permit, license, or authorization application
8 and approval processing procedures and practices that include
9 those analytical methods or approaches, regarding a standard.

10 (B) The documentation for a bicycle transportation plan meeting
11 the conditions specified in subparagraph (A) prepared under the
12 California Environmental Quality Act shall disclose the applicable
13 analytical methods or approaches, and the disclosure of those
14 analytical methods or approaches shall be the exclusive means of
15 evaluating potential project impacts under the California
16 Environmental Quality Act regarding the relevant law,
17 notwithstanding any other provision of law.

18 (3) (A) Identifies permissible practices for mitigating or
19 minimizing adverse impacts to a topical area requiring analysis
20 and mitigation under the California Environmental Quality Act,
21 or directs or authorizes the adoption by an implementing agency
22 of regulations, a plan, or a permit, license, or authorization
23 application and approval processing procedures and practices
24 that include those mitigation or minimization practices, regarding
25 or relating to the mitigation and minimization requirements.

26 (B) The documentation prepared under the California
27 Environmental Quality Act for a bicycle transportation plan
28 meeting the conditions specified in subparagraph (A) shall disclose
29 the applicable mitigation and minimization methods or approaches,
30 and compliance with the mitigation and minimization practices
31 shall be the exclusive means of mitigating environmental impacts
32 under the California Environmental Quality Act regarding the
33 subject of the relevant law, notwithstanding any other provision
34 of law.

35 (d) The disclosure obligations set forth in subdivision (c) are
36 intended to foster informed environmental review and public
37 participation in the environmental and public review process
38 required by the California Environmental Quality Act or other
39 applicable laws and regulations, including the Ralph M. Brown

1 Act (Chapter 9 (commencing with Section 54950) of Part 1 of
2 Division 2 of Title 5 of the Government Code).

3 (e) (1) An environmental document subject to this division shall
4 only be required to consider environmental topical areas listed in
5 subdivision (b) of Section 21202.

6 (2) This subdivision does not preclude the lead agency from
7 modifying or updating its analytical methodologies for those topical
8 areas.

9 (f) (1) A cause of action shall not be commenced under Section
10 21167 for noncompliance with the California Environmental
11 Quality Act based on an environmental topical area listed in
12 subdivision (b) of Section 21202 for which the environmental
13 document subject to this division requires compliance with an
14 applicable environmental law.

15 (2) This subdivision does not prohibit a cause of action
16 otherwise authorized by law to enforce compliance with other
17 existing local, state, and federal law.

18 (g) This division does not preclude any state agency, board, or
19 commission, or any county, city and county, city, regional agency,
20 public district, redevelopment agency, or other political subdivision
21 from requiring information or analysis of the bicycle transportation
22 plan under consideration, or imposing conditions of approval for
23 that plan, under laws and regulations other than this division and
24 Division 13 (commencing with Section 21000).

25 SECTION 1. ~~Division 13.6 (commencing with Section 21200)~~
26 ~~is added to the Public Resources Code, to read:~~

27
28 ~~DIVISION 13.6. CALIFORNIA ENVIRONMENTAL~~
29 ~~STANDARDS ACT~~
30

31 ~~21200. (a) The Legislature finds and declares that~~
32 ~~environmental and health and safety standards established by~~
33 ~~relevant statutes and the regulations, plans, policies, and permitting~~
34 ~~programs promulgated, adopted, or issued pursuant to those statutes~~
35 ~~address potential impacts associated with a wide variety of projects~~
36 ~~within the state, including, but not limited to, renewable energy~~
37 ~~projects, clean technology projects, infill projects, transportation~~
38 ~~projects, and public port projects.~~

39 ~~(b) Findings adopted by a public agency pursuant to Section~~
40 ~~21081 shall disclose environmental standards established by~~

1 relevant statutes and the regulations, plans, policies, and permitting
2 programs promulgated, adopted, or issued pursuant to those statutes
3 that are applicable to the project the public agency is proposing to
4 carry out or approve.

5 (e) For the purposes of this section, “relevant statutes” means
6 any of the following:

7 ~~(1) Sections 17213 and 17213.1 of the Education Code.~~

8 ~~(2) Subdivisions (b) and (c) of Section 7050.5 of the Health and
9 Safety Code.~~

10 ~~(3) Chapter 2 (commencing with Section 17920) of Part 1.5 of
11 Division 13 of the Health and Safety Code.~~

12 ~~(4) Chapter 6.5 (commencing with Section 25100) of Division
13 20 of the Health and Safety Code.~~

14 ~~(5) Section 25356.1.5 of the Health and Safety Code.~~

15 ~~(6) Section 25395.94 of the Health and Safety Code.~~

16 ~~(7) Chapter 6.95 (commencing with Section 25500) of Division
17 20 of the Health and Safety Code.~~

18 ~~(8) The California Global Warming Solutions Act of 2006
19 (Division 25.5 (commencing with Section 38500) of the Health
20 and Safety Code).~~

21 ~~(9) Division 26 (commencing with Section 39000) of the Health
22 and Safety Code.~~

23 ~~(10) Sections 355 and 356 of the Fish and Game Code.~~

24 ~~(11) The Oak Woodlands Conservation Act (Article 3.5
25 (commencing with Section 1360) of Chapter 4 of Division 2 of
26 the Fish and Game Code).~~

27 ~~(12) Section 1602 of the Fish and Game Code.~~

28 ~~(13) The California Endangered Species Act (Chapter 1.5
29 (commencing with Section 2050) of Division 3 of the Fish and
30 Game Code).~~

31 ~~(14) Division 4 (commencing with Section 3000) of the Fish
32 and Game Code.~~

33 ~~(15) Division 5 (commencing with Section 5000) of the Fish
34 and Game Code.~~

35 ~~(16) Division 6 (commencing with Section 5500) of the Fish
36 and Game Code.~~

37 ~~(17) The federal Endangered Species Act of 1973 (16 U.S.C.
38 Sec. 1531 et seq.).~~

39 ~~(18) The federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703
40 et seq.).~~

1 ~~(19) The federal Bald and Golden Eagle Protection Act (16~~
2 ~~U.S.C. Sec. 668 et seq.).~~

3 ~~(20) The Elder California Pipeline Safety Act of 1981 (Chapter~~
4 ~~5.5 (commencing with Section 51010) of Part 1 of Division 1 of~~
5 ~~Title 5 of the Government Code).~~

6 ~~(21) Chapter 2.5 (commencing with Section 65080) of Division~~
7 ~~1 of Title 7 of the Government Code.~~

8 ~~(22) Chapter 4.9 (commencing with Section 65995) of Division~~
9 ~~1 of Title 7 of the Government Code.~~

10 ~~(23) Section 66477 of the Government Code.~~

11 ~~(24) The Natural Gas Pipeline Safety Act of 2011 (Article 4.5~~
12 ~~(commencing with Section 955) of Chapter 4 of Part 1 of Division~~
13 ~~1 of the Public Utilities Code).~~

14 ~~(25) The Alquist-Priolo Earthquake Fault Zoning Act (Chapter~~
15 ~~7.5 (commencing with Section 2621) of Division 1 of the Public~~
16 ~~Resources Code).~~

17 ~~(26) The Seismic Hazards Mapping Act of 1990 (Chapter 7.8~~
18 ~~(commencing with Section 2690) of Division 1 of the Public~~
19 ~~Resources Code).~~

20 ~~(27) The California Integrated Waste Management Act of 1989~~
21 ~~(Division 30 (commencing with Section 40000) of the Public~~
22 ~~Resources Code).~~

23 ~~(28) The Stormwater Resource Planning Act (Part 2.3~~
24 ~~(commencing with Section 15060) of Division 6 of the Water~~
25 ~~Code).~~

26 ~~(29) Part 2.10 (commencing with Section 10910) of Division 6~~
27 ~~of the Water Code.~~

28 ~~(30) The Porter-Cologne Water Quality Control Act (Division~~
29 ~~7 (commencing with Section 13000) of the Water Code).~~

30 ~~(31) Section 1344 of Chapter 33 of the United States Code.~~

31 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
32 ~~Section 6 of Article XIII B of the California Constitution because~~
33 ~~a local agency or school district has the authority to levy service~~
34 ~~charges, fees, or assessments sufficient to pay for the program or~~
35 ~~level of service mandated by this act, within the meaning of Section~~
36 ~~17556 of the Government Code.~~

- 1 _____
- 2 **CORRECTIONS:**
- 3 **Text—Pages 3, 5, 7, 8, 9, 10, 11, 12, and 13.**
- 4 _____

O